

# **EXHIBIT 3**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

COMMERZBANK AG,

Plaintiff,

-against-

U.S. BANK NATIONAL ASSOCIATION,

Defendant.

Index No. 16-cv-04569-WHP

[PROPOSED] ORDER

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HON. WILLIAM H. PAULEY III:

IT IS HEREBY ORDERED THAT:

1. Plaintiff shall file its Amended Complaint removing allegations against Defendant Bank of America, N.A. ("BANA") within five (5) business days of the Court's so ordering the stipulation of dismissal as to BANA.
2. The summary judgment motion (*see* ECF No. 293) and arguments joined by Defendant U.S. Bank National Association ("U.S. Bank") in BANA's summary judgment motion (*see* ECF No. 301) along with all papers submitted in support, opposition, and reply thereto insofar as they are applicable to U.S. Bank, shall apply to the Amended Complaint.
3. U.S. Bank shall file its answer to Plaintiff's Amended Complaint within forty-five (45) days of the date that Plaintiff files its Amended Complaint.

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE WILLIAM H. PAULEY III  
UNITED STATES DISTRICT JUDGE